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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**EXHIBIT 4 TO DECLARATION OF
LIN W. KAHN IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFFS' SUPPLEMENTAL
MOTION FOR CLASS
CERTIFICATION**

[REDACTED PUBLIC VERSION]

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4
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6 IN RE: HIGH-TECH EMPLOYEE)
7 ANTITRUST LITIGATION)
8) No. 11-CV-2509-LHK
9 THIS DOCUMENT RELATES TO:)
10 ALL ACTIONS.)
11 _____)
12
13

14 CONFIDENTIAL
15 VIDEO DEPOSITION OF STEPHANIE SHEEHY
16 March 5, 2013
17
18

19 REPORTED BY: GINA V. CARBONE, CSR NO. 8249, RPR, CCRR
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11:54:16 1 few salary planners who determined salary for the
11:54:23 2 technical development tools team, and he was the person
11:54:29 3 who oversaw the entire group. And this is a summary of
11:54:33 4 what all of the salary planners did.

11:54:46 5 Q. What's a salary planner?

11:54:48 6 A. A salary planner, you could see column D. A
11:54:54 7 salary planner is the person who was responsible for
11:54:58 8 determining the salary increases for certain
11:55:01 9 individuals.

11:55:12 10 Q. How does a salary planner decide what the
11:55:16 11 salary increase is for a specific individual?

11:55:21 12 A. I -- you would have to ask each of them
11:55:24 13 individually how they decided the increases for each of
11:55:29 14 these people.

11:55:30 15 Q. As the person in charge of compensation for the
11:55:34 16 HR department, what's your understanding of how the
11:55:36 17 salary planners decide the salary increases for
11:55:40 18 employees?

11:55:47 19 A. I'm sorry, say that again, please.

11:55:50 20 Q. As the person in charge of compensation for the
11:55:52 21 HR department, what's your understanding of how the
11:55:55 22 salary planners decide the salary increases for
11:55:58 23 employees?

11:56:02 24 A. They are given a salary pool, and they spend
11:56:06 25 that pool on their employees, how they see fit, with the

11:56:19 1 guideline that a solid performing individual would
11:56:23 2 receive [REDACTED] percent. I think I wrote that on page 1.

11:56:34 3 (Reporter clarification.)

11:56:36 4 THE WITNESS: Yes. That's what it says on
11:56:36 5 page 1.

11:56:37 6 So the guideline I gave them, when I gave them
11:56:39 7 a salary pool, was that employees performing solidly and
11:56:45 8 well would receive a [REDACTED] percent increase. And then from
11:56:59 9 there, they determine on a person-by-person,
11:57:02 10 case-by-case basis. But the guideline is a guideline.

11:57:12 11 MS. CISNEROS: Q. Generally, are the
11:57:14 12 salary increases within the guidelines?

11:57:18 13 MS. HENN: Objection. Vague.

11:57:27 14 THE WITNESS: Could you be more specific,
11:57:28 15 please.

11:57:46 16 MS. CISNEROS: Q. You testified that the
11:57:48 17 guideline is that a solid performing individual
11:57:51 18 would receive [REDACTED] percent. Generally, is it true,
11:58:00 19 then, that most solid performing individuals would
11:58:02 20 receive a [REDACTED] percent salary increase?

11:58:08 21 A. Usually, yes.

11:58:25 22 Q. What would happen if a salary planner wanted to
11:58:28 23 give a higher level salary increase? How would that
11:58:34 24 planner go about doing so?

11:58:37 25 A. They would put it into this spreadsheet.

01:13:29 1 Q. You testified that "we submit our data at
01:13:32 2 certain points during the year."

01:13:34 3 A. Yes.

01:13:36 4 Q. To whom?

01:13:41 5 A. To the Croner company and to the Radford
01:13:43 6 company. Actually, I think it's Aon is the Radford
01:13:45 7 company. The Croner company is the Croner survey, but I
01:13:49 8 think it's Aon is the company that does Radford.

01:13:55 9 Q. And you say you use the 10th percentile as the
01:13:57 10 minimum and the 90th percentile as the max. You mean
01:14:03 11 the 10th percentile of the survey that you are looking
01:14:07 12 at?

01:14:07 13 A. Yes. The data comes in different core tiles.
01:14:11 14 Not core tiles, because there are more than four, but
01:14:15 15 different percentiles. And we use the 10th percentile
01:14:19 16 as our min and the 90th percentile as our max.

01:14:26 17 Q. Are there any other factors that you consider
01:14:29 18 in setting the minimum or the maximum range besides the
01:14:34 19 survey data?

01:14:38 20 A. For the matchable jobs, we use that -- the min
01:14:42 21 and the max as our guideline. So with the external
01:14:48 22 data, that's mostly what we use to guide us in our
01:14:53 23 decision making.

01:15:51 24 Q. You testified that you look at where employees
01:15:55 25 presently are in their salaries with respect to landing

04:14:22 1 A. -- we call it a ranking system.

04:14:23 2 Q. Okay.

04:14:24 3 A. But it's much closer to the rating description
04:14:26 4 that you just described.

04:14:27 5 Q. Okay. So again let's maybe try for 2007.

04:14:37 6 A. Okay.

04:14:37 7 Q. Maybe it's easier to remember that year.

04:14:39 8 A. Okay.

04:14:40 9 Q. How did it happen that year?

04:14:41 10 A. I believe the APs went to the leadership of
04:14:46 11 each of their respective groups, collected rating
04:14:50 12 information, and then we have a rating for each person.

04:14:55 13 Q. What was done with the rating for each person?

04:15:00 14 A. Nothing specifically was done. It was more
04:15:03 15 informational than anything. Although those people who
04:15:07 16 were struggling or were underperforming, we would go
04:15:14 17 talk to their managers some more and figure out if they
04:15:18 18 should be on a PIP or what we should do to help them no
04:15:25 19 longer be struggling or underperforming.

04:15:36 20 Q. Did the ratings -- how did the ratings factor
04:15:39 21 into compensation, if at all?

04:15:44 22 A. They factored in a little, in that most of our
04:15:51 23 employees got the standard [REDACTED] percent. Those people who
04:15:58 24 were at the high end, we would use some of our extra
04:16:01 25 pool, the pool we set aside for those people. And the

04:16:04 1 people who were struggling, we would probably not
04:16:08 2 necessarily give [REDACTED] percent to, all the way down to
04:16:11 3 perhaps not giving any increase.

04:16:17 4 Q. Was it a pre- -- excuse me. Was it a
04:16:21 5 prerequisite to achieve a certain rating in order to
04:16:25 6 qualify to go above the standard 3 percent salary raise?

04:16:32 7 A. No.

04:16:35 8 Q. So did some salary planners rely on ratings to
04:16:43 9 make the determination of whether or not somebody would
04:16:48 10 get a surplus raise?

04:16:52 11 A. I believe it informed to some degree, but I
04:16:58 12 believe there were many other factors taken into
04:17:01 13 account.

04:17:05 14 Q. What other factors?

04:17:14 15 A. If you had someone with a high rating who was
04:17:17 16 at the high end of the range that we defined during that
04:17:21 17 year from the survey data, then we might not give that
04:17:25 18 person more than [REDACTED] percent because they were already
04:17:29 19 being compensated at the high end. Our ranges are truly
04:17:34 20 guidelines. But that would be a reason why we wouldn't
04:17:37 21 make that person -- give that person the surplus.

04:17:46 22 Q. Are there any guidelines given to the raters to
04:17:51 23 help with their decision-making process?

04:17:56 24 A. Not that I'm aware of, no.

04:18:00 25 Q. Okay. So there is the rating system, but HR

INSTRUCTIONS FOR READING/CORRECTING YOUR DEPOSITION

To assist you in making corrections to your deposition testimony, please follow the directions below. If additional pages are necessary, please furnish them and attach the pages to the back of the errata sheet.

This is the final version of your deposition transcript.

Please read it carefully. If you find any errors or changes you wish to make, insert the corrections on the errata sheet beside the page and line numbers.

Do NOT change any of the questions.

After completing your review, please sign the last page of the errata sheet, above the designated "Signature" line and return the transcript to your attorney.

ERRATA SHEET

Witness: Stephanie Sheehy Date of Deposition: March 5, 2013

Page Line

30	17	Change:	"she leaves" to "her leave"
		Reason:	correction
31	20	Change:	"Apple" to "employee"
		Reason:	correction
46	6	Change:	"a" to "any"
		Reason:	correction
50	18	Change:	"administer" to "administered"
		Reason:	correction
51	23	Change:	"that" to "out"
		Reason:	correction
89	6	Change:	Delete "it's"
		Reason:	correction
89	8	Change:	Delete "it's"
		Reason:	correction

89	13	Change:	core tiles to quartiles
		Reason:	transcription error
89	14	Change:	core tiles to quartiles
		Reason:	transcription error
90	6	Change:	"on" to "in"
		Reason:	correction
95	24	Change:	Delete "more"
		Reason:	correction
99	24	Change:	"is" to "are"
		Reason:	correction
100	20	Change:	"is" to "was"
		Reason:	correction
106	8	Change:	MENVE to MENV
		Reason:	misspelling
133	13	Change:	"Lassiter" to "Lasseter"
		Reason:	misspelling
133	17	Change:	"Lassiter" to "Lasseter"
		Reason:	misspelling
136	2	Change:	"is" to "are"
		Reason:	correction
210	22	Change:	Delete "that is"
		Reason:	Correction
210	24	Change:	Delete "do"
		Reason:	Correction

✓ Subject to the above changes, I certify that the transcript is true and correct.

_____ No changes have been made. I certify that the transcript is true and correct.

Stephanie Shedy
(signature)

4/11/2013
(date)

1 I, Gina V. Carbone, Certified Shorthand
2 Reporter licensed in the State of California, License
3 No. 8249, hereby certify that the deponent was by me
4 first duly sworn and the foregoing testimony was
5 reported by me and was thereafter transcribed with
6 computer-aided transcription; that the foregoing is a
7 full, complete, and true record of said proceedings.

8 I further certify that I am not of counsel or
9 attorney for either of any of the parties in the
10 foregoing proceeding and caption named or in any way
11 interested in the outcome of the cause in said caption.

12 The dismantling, unsealing, or unbinding of
13 the original transcript will render the reporter's
14 certificates null and void.

15 In witness whereof, I have hereunto set my
16 hand this day: March 15, 2013.

17 X Reading and Signing was requested.

18 _____ Reading and Signing was waived.

19 _____ Reading and signing was not requested.

20
21
22 _____
23 GINA V. CARBONE

24 CSR 8249, CRR, CCRR
25